IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

OTO ANALYTICS, LLC, Plaintiff, v. **BENWORTH CAPITAL PARTNERS PR, LLC; BENWORTH CAPITAL PARTNERS, LLC; BERNARDO NAVARRO and CLAUDIA NAVARRO,** Defendants.	Civil No. 23-01034 (GMM)

MOTION IN COMPLIANCE WITH ORDER
REGARDING *MOTION TO INTERVENE* BY FED (D.E. 134)

TO THE HONORABLE COURT:

COME NOW defendants Benworth Capital Partners PR, LLC ("Benworth PR"), Benworth Capital Partners, LLC ("Benworth FL"), and Bernardo and Claudia Navarro ("Mr. and Mrs. Navarro" and, jointly with Benworth PR and Benworth FL, the "Defendants"), through the undersigned counsel, and respectfully file this motion in compliance with the Court's order (D.E. 134) regarding their position as to the Federal Reserve Bank of San Francisco's ("Fed") *Motion to Intervene* (D.E. 127).

On July 10, 2024, the Fed filed a *Motion to Intervene* seeking "permission to intervene" in the captioned matter to "safeguard its interests and rights in respect of the PPP Collateral" (D.E. 127 at p. 22). According to the Fed, intervention is warranted either as of right or permissively. *Id.* The Fed included, as attachment 7 to its *Motion to Intervene*, a purported Complaint in Intervention. *Id.*, Attachment 7. The sole cause of action asserted by the Fed's Complaint in Intervention is a declaratory judgment seeking that the Court define the Fed's purported priority over, or joint pro-rata rights with, the Plaintiff regarding certain of the Defendants' assets. The Complaint in Intervention does not necessarily align the Fed with either Otto Analytics, LLC ("Womply") or the Defendants, though it does seek priority over, or joint pro-rata status with, all the Plaintiff's potential claims.

On July 12, 2024, the Court held in abeyance the Fed's *Motion to Intervene* and ordered the parties to state their position on or before July 24 regarding the Fed's intervention request. (D.E. 134).

Given that the Fed's intervention is predicated on Womply's success in the captioned litigation, that the Defendants have challenged and will continue to challenge such success, and that the Fed does not appear to be aligned against the Defendants in this matter, the appearing parties do not object to the Court allowing the Fed to intervene. The Defendants' lack of opposition to the Fed's request at this time should not be seen as either an endorsement of the Fed's request, an acceptance that intervention is warranted either as of right or permissively, or a waiver of service of process (formal or otherwise) in this or any other related proceeding. The Defendants also reserve the right to plead or otherwise defend as to the Complaint in Intervention and waive no defenses with regards to the same.

WHEREFORE, Defendants respectfully request that this Honorable Court take notice of the aforementioned and deem that the Defendants have complied with its July 12, 2024, order (D.E. 134).

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on July 24, 2024.

CERTIFICATE OF SERVICE: We hereby certify that on this same date the foregoing motion was filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys and participants of record.

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